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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 38137-0018

First Inventor Markus Eickmann

Title VARICELLA ZOSTER VIRUS (VZV) IMMUNOREACTIVE PROTEIN
VP26 AND ITS DIAGNOSTIC USE

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification (Total Pages)
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) (Total Sheets)
5. Oath or Declaration (Total Pages)
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Letter to the Official Draftsman & Formal Drawings; Request for Approval to Change Drawings

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09 / 219,337; filed: December 23, 1998

Prior application information: Examiner A. Salimi

Group / Art Unit: 1648

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label



or ☒ Correspondence address below

Name	PATENT TRADEMARK OFFICE			
Address				
City	State	Zip Code		
Country	Telephone	Fax		

Name (Print/Type)	Marvin Motsenbocker	Registration No. (Attorney/Agent)	36,614
Signature		Date	June 6, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2001</h2> <p style="margin: 10px 0 0 0;"><i>Patent fees are subject to annual revision.</i></p>		Complete if Known	
		Application Number	To Be Assigned
		Filing Date	Concurrently Herewith
		First Named Inventor	Markus Eickmann
		Examiner Name	To Be Assigned
		Group / Art Unit	To Be Assigned 26633
TOTAL AMOUNT OF PAYMENT (\$) 710		Attorney Docket No. 38137-0018 PATENT TRADEMARK OFFICE	

<p>METHOD OF PAYMENT (check one)</p> <p>1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> Deposit Account Number: 08-1641 </div> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> Deposit Account Name: Heller Ehrman White & McAuliffe LLP </div> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p style="margin-left: 20px;"> <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other </p> <hr/> <p style="text-align: center;">FEE CALCULATION</p> <p>1. BASIC FILING FEE</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>710</td><td>201</td><td>355</td><td>Utility filing fee</td><td>710</td></tr> <tr><td>106</td><td>320</td><td>206</td><td>160</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>490</td><td>207</td><td>245</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>710</td><td>208</td><td>355</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$ 710)</td> </tr> </tbody> </table> <p>2. 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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Marvin A. Motsenbocker	Registration No. Attorney/Agent)	36,614	Telephone	(202) 912-2000
Signature				Date	June 6, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Markus EICKMANN *et al.*

Attorney Docket No.: 38137-0018

Serial No.: *To Be Assigned*

Art Unit: *To Be Assigned*

Filed: *Concurrently Herewith*

Examiner: *To Be Assigned*

For: VARICELLA ZOSTER VIRUS (VZV) IMMUNOREACTIVE PROTEIN VP26 AND
ITS DIAGNOSTIC USE

REQUEST FOR APPROVAL TO CHANGE DRAWINGS

Director, U.S. Patent and Trademark Office
Washington, DC 20231

Sir:

Please delete FIGS. 2 and 5 and amend FIGS. 3 and 4 as indicated in red in the attached copies. These revisions, approved in parent Application Serial No. 09/219,337, are reflected in the formal drawings filed concurrently herewith.

Respectfully submitted,

Date: June 6, 2001

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PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ITS DIAGNOSTIC USE

LETTER TO THE OFFICIAL DRAFTSMAN

Director, U.S. Patent and Trademark Office
Washington, DC 20231

Sir:

Attached are five sheets of formal drawings, illustrating FIGS. 1(a)-1(c), 2, and 3 in connection with the above-identified application. These formal drawings reflect the revisions submitted in the accompanying Request for Approval of Drawing Changes and were approved in parent Application Serial No. 09/219,337.

Respectfully submitted,

Date: June 6, 2001



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09/219,337